

FILED

March 17 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0077

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MAR 17 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

FRANK D'VORAK, d/b/a MAJESTIC COVE PARK,

Petitioner and Appellant,

v.

TAMERA COMPLEY,

Respondent and Appellee.

ORDER

Frank D'Vorak has moved to be allowed to proceed on appeal without being required to pay the filing fee. D'Vorak avers that he receives \$904 per month in social security benefits, has savings of about \$300, and owns an auto and real estate on which he owes more than their worth.

The Court having considered D'Vorak's motion and affidavit,

IT IS ORDERED that the motion to proceed without payment of the filing fee for this appeal is DENIED.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 16<sup>th</sup> day of March, 2010.

*Jim Rice*

*James*

*Patricia Catter*

*Michael W. W.*

*Brian W.*

Justices